

**REMARKS**

This Amendment is in response to the Office Action dated October 4, 2007. Claims 21-26, 28-32, 35-37, 39, and 41-45 remain pending in the present application. Claims 21-40 are rejected. Claims 21, 23-25, 28, 30-32, 35, 37, and 39 have been changed. claims 27, 33, 34, 38, and 40 have been cancelled, and claims 41-45 have been added by this amendment.

No new matter has been added, and the amendments are fully supported by the specification. Claims 1, 28, and 35 are amended to recite control parameters specifying requirements for availability of the local spots on the central site server to the one or more remote servers to allow playout of the local spots, as disclosed in the specification on, for example, page 4 lines 5-7, page 8 lines 7-17, page 9 lines 7-16, page 10 lines 12-16, page 11, lines 6-10, page 12 lines 3-14 and 22-23, and page 13 lines 1-2. Claims 23, 24, 30, 31 and 37 recite the program feed is transmitted via one type of network link, and the local spots are distributed via a different type of network link, such as terrestrial and satellite, as disclosed on, for example, page 4 line 23 to page 5 line 2. Other amendments are made for clarity and to be in accordance with respective parent claims. Claim 39 and new claims 41-45 recite window parameters as disclosed, for example, on page 9, lines 10-16 and page 10, lines 12-16.

Reconsideration is respectfully requested in view of the remarks below.

**§ 103 Rejections**

Claims 21-24, 27-31, and 34-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,526,575 to McCoy et al. (“McCoy”) in view of U.S. Patent No. 5,099,319 to Esch et al. (“Esch”) and U.S. Patent App. Publication 2002/0166120 to Boylan III et al. (“Boylan”). Applicant respectfully traverses and has amended the independent claims to clarify the invention.

Claim 1 recites a method for controlling insertion of a plurality of local spots into a program feed through a central site server located at a central control site, including distributing the plurality of local spots from the central site server to one or more remote site servers prior to playout of the program feed. A plurality of control parameters are sent from the central site server to each of the one or more remote site servers, the plurality of control parameters including one or more parameters specifying requirements for availability of the local spots on the central site server to the one or more remote servers to allow playout of the local spots. The program feed is transmitted from the central site server to each of the one or more remote site servers, each of the remote site servers automatically switches between playout of the program feed and playout of each local spot in accordance with the plurality of control parameters received from the central site server.

McCoy does not disclose or suggest sending control parameters including one or more parameters specifying requirements for availability of the local spots on the central site server to the one or more remote servers to allow playout of the local spots. McCoy discloses transmitting multimedia contents and control information from a central uplink facility 102 to a remote downlink facility 106 via a satellite 104. The control information can be used to generate a schedule at the remote downlink facility (col. 16, lines 41-52). However, McCoy does not disclose or suggest control parameters specifying requirements for availability of local spots on the central site server to allow playout of the local spots. McCoy does not disclose distributing local spots on a central site server to be provided to remote site servers, as recognized by the Examiner, and does not mention or suggest any control parameters related to availability of local spots provided from a central site server.

Esch also does not disclose or suggest such control parameters. The commercials distributed to the remote site from the central site in Esch are are national commercials, not local spots, and are not customized until the commercials reach a remote site (col. 4, ll. 63-66). Thus Esch does not mention or suggest any control parameters related to availability of local spots provided from a central site server.

The Examiner cited Boylan for teaching distribution of local advertisements from a central site to remote sites. However, Boylan mentions nothing about control parameters that specify requirements for availability of the local advertisements on the central site server to the one or more remote servers to allow playout of the local spots. Boylan's only embodiment of sending local advertisements from a central site server is one that transmits local advertisements from a main facility 46 to the distribution facility 52 as part of the same global data stream in which global data is transmitted (paragraph [0061]), and does not provide control parameters to specify requirements for local advertisement availability on the central server. Boylan's local advertisements in this stream are simply available, or not, as dictated by the global data stream; the advertisements are automatically received in the stream and so are played at their existing place within the stream. Boylan allows local advertisements to be filtered at remote sites based on location or user (paragraph [0063]), but these local advertisements are still received in the stream, even if filtered, and so no control parameters relating to the availability of the local spots on the central site server are used or suggested by Boylan. Boylan mentions or suggests nothing about specifying availability requirements of local spots on the central site to allow playout of the local spots, nor control parameters to specify such requirements.

Claim 1 would also not be obvious based on the combination of the cited references. A combination of McCoy and Boylan and Esch would provide a system that provides a global

stream of advertisements from a central site server, with local advertisements included in that global stream, as disclosed by Boylan. Such a combination would not use the control parameters specifying requirements for availability of the local spots on the central site server to the one or more remote servers to allow playout of the local spots, since Boylan's data stream is not compatible with such control parameters as explained above.

Nor would such a combination automatically switch between playout of the program feed and playout of each local spot in accordance with the recited availability control parameters received from the central site server. Esch's switching does not address the use of local spots distributed from a central site server. Boylan's global data stream provides local advertisements in pre-designated slots of the data stream (Figs. 7 and 10) which does not allow the automatic switching between playout of program feed and each local spot in accordance with the availability control parameters recited in claim 1.

*No Motivation To Combine References*

Applicant also submits that there is no motivation to combine McCoy and Boylan. McCoy teaches that while multimedia distribution systems are welcomed by (local) cable operators (col. 1, ll. 35-41), cable operators seek more sophisticated scheduling capabilities for promotions in order to maximize returns from their advertisements (col. 1, ll. 52-56). Further, McCoy teaches that cable operators have limited ways to input their preferences that determine the types of promotions to be broadcast to their particular subscribers (col. 1, ll. 63-66). To remedy such problems, McCoy teaches having local commercials entered locally by each cable operator to permit advertising for local retailers or television programs to be viewed by customers of a cable operator (col. 13, ll. 47-56). McCoy thus teaches away from distributing local spots to remote sites from a central site server.

Claims 22-26 and new claims 41-43 are dependent on claim 1 and are patentable over McCoy in view of Boylan and Esch for at least the same reasons as claim 1, and for additional reasons.

For example, claim 23 recites that the program feed is transmitted via one type of network link, and the local spots are distributed via a different type of network link. Furthermore, claim 24 recites that one of the types of network links is a terrestrial link and the other of the types of network links is a satellite link. None of the cited references disclose or suggest sending program feeds and local spots on such different types of network links to remote site servers.

New claims 41-43 recite different details of control parameters. Claim 41 recites a staging lookahead window parameter that sets a time period requirement prior to a scheduled playout of each of the local spots at which time the local spot must be staged on the central site server for reception by the one or more remote site servers. Claim 42 recites a playtime lookahead window parameter that sets a time period requirement before the scheduled playout of a local spot at which time each of the remote site servers checks to report to the central server a spot missing at the remote site server. Claim 43 recites a minimum transit time parameter that indicates a minimum transit time needed to transmit a particular one of the local spots to one or more remote site servers, such that when a time until a next scheduled playout of the particular local spot is less than the minimum transit time, the local spot is considered to be dead. None of the cited references disclose or suggest using control parameters for setting requirements for staging local spots on a central site server, or for remote server sites checking for a local spot missing to report to the central server site, or for setting a minimum transit time for local spots

and considering the local spot dead based on the minimum transit time. The control information of McCoy is not related to local spots provided from a central site server, and Boylan does not disclose or suggest the use of control parameters with his local advertisements provided from a central site.

Independent claims 28 and 35 each incorporates limitations similar to those of claim 21. Claims 28 and 35 (and the claims that depend therefrom, including new claims 44 and 45) are also allowable over the references cited above for reasons corresponding to those set forth with respect to claim 21 and dependent claims 22-26 and 41-43, where appropriate.

Applicant therefore believes that claims 21-24, 27-31, 34-37 and 41-45 are patentable over McCoy in view of Boylan and Esch, and respectfully requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

Claims 25, 32, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, and Boylan, in view of U.S. Patent No. 5,920,700 to Gordon et al. (“Gordon”). Gordon does not disclose or suggest the local spots distributed from a central site nor the control parameters recited in claims 21, 28, and 35, and therefore dependent claims 25, 32, and 39 are believed patentable over the combination of McCoy, Esch, Boylan, and Gordon for at least the same reasons as their parent claims, and for additional reasons.. Applicant respectfully requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

Claims 26, 33, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, Boylan, and Gordon, in view of U.S. Patent No. 6,253,079 to Valentine et al. (“Valentine”). Valentine does not disclose or suggest the local spots distributed from a central

site nor the control parameters recited in claims 21, 28, and 35, and therefore dependent claims 26 and 39 are believed patentable over the combination of McCoy, Esch, Boylan, and Gordon for at least the same reasons as their parent claims, and for additional reasons. Applicant respectfully requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing, Applicant submits that claims 21-26, 28-33, 35-37, 39, and 41-45 are patentable over the cited references, and respectfully requests reconsideration and allowance of the claims as now presented.

Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

February 4, 2008  
Date

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